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# **FTEALMUN'25**

## **UNHRC**

# **STUDY GUIDE**

**CO-UNDER SECRETARY  
GENERAL**

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## **Table of Contents**

<b>Letter From the Co-Secretaries General.....</b>	<b>3</b>
<b>Letter From the Co-Under Secretaries General.....</b>	<b>4</b>
<b>Introduction to the Committee.....</b>	<b>5</b>
<b>Key Terms.....</b>	<b>6</b>
<b>Introduction to the Agenda Item.....</b>	<b>7</b>
a. Wrongful Detention.....	7
b. Detention Systems and Human Rights Challenges.....	8
c. Important Country Examples.....	9
d. Legal Frameworks.....	10
e. Human Rights Implications.....	12
f. Violations of Fair Trial Rights.....	12
g. Enforced Disappearances.....	12
h. Torture and Ill-Treatment in Detention.....	13
i. Role of the UN and International Community.....	13
<b>6. Questions To Be Answered.....</b>	<b>14</b>
<b>7. Bibliography.....</b>	<b>14</b>

## **Letter From the Co-Secretaries General**

Distinguished Delegates of FTEALMUN'25,

It is a great honour to welcome you all to FTEALMUN'25. In an age when global challenges affect each of us more profoundly than ever before, this conference represents far more than a gathering of students. It is a space where young voices can question, connect, and take the first steps toward shaping lasting change. The committees and agendas have been crafted with care, each one designed to spark meaningful dialogue, challenge existing perspectives, and inspire innovative solutions to the world's most pressing issues.

The true strength of FTEALMUN'25 lies in its diversity. Bringing together delegates from different backgrounds and viewpoints, this conference is a reminder that progress stems from the exchange of ideas. It is not only about policies or resolutions but about learning from one another, testing convictions, and building a community where every vision is valued. As you take on the role of diplomats, I encourage you to keep your minds open, to lead with patience and empathy, and to embrace the discomfort that often comes with meaningful negotiation.

I hope this experience empowers you to bring your full self into every discussion. Let it be a stepping stone in your journey to becoming thoughtful, forward-looking leaders. Each of you carries a unique perspective, and together you will define the spirit and success of this conference. My team and I are excited to see the passion, creativity, and determination you bring to the table.

On behalf of the entire Secretariat, thank you for joining us in this endeavour. May FTEALMUN'25 not only be remembered for its debates but also for the friendships formed, the lessons learned, and the inspiration that stays with us long after the final session concludes.

Warm regards,  
Haktan Efe Özgür, Ela Çakır  
Co-Secretaries-General of FTEALMUN'25

## **Letter From the Co-Under Secretaries General**

Dear delegates who are kind enough to read our letter;

To begin with, we would like to welcome you all to this prestigious edition of FTEALMUN. We can not thank the secretariat (especially Haktan ve Ela!! and the whole academy) and the organization team of FTEALMUN'25 enough for organizing this amazing conference.

As your USG's, we are both studying in Pertevniyal Anatolian High School and are 11th graders! Since the beginning of high school, literally we have been doing everything together (when we say "everything", we mean it.) So it was a once in a lifetime opportunity for us to work on this amazing committee. As you may guess we had lots of fun while writing this guide; we worked on it in the school canteen, in the religion lesson, etc.... Accordingly, with all of this effort being spent, we are hoping that this guide will teach you the important points and prepare you for your fruitful debates. We simply can not wait to meet with you on FTEALMUN!!!!

Additionally, if you have any questions regarding the study guide or the committee itself, please do not hesitate to contact us through g-mail.

Have a nice day!

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## **Introduction to the Committee**

The United Nations High Commissioner for Refugees (UNHCR) is the world's foremost organization dedicated to the protection of refugees and other individuals who have been forcibly displaced due to various reasons. Established through the resolution of the General Assembly of the United Nations during the aftermath of the Second World War in 1950, the organization currently operates in over 130 countries.

The mandate of the United Nations High Commissioner for Refugees focuses on refugees, asylum seekers, refugee returns, internally displaced persons (IDPs), and stateless individuals. At the heart of the mandate of the UNHCR organization is the protection of individuals under international protection with a particular focus on the principle of non-refoulement that prohibits countries from expelling individuals who may lack security and freedom upon their return. This organization urges countries to adhere to the norms of international refugee law as stipulated by the 1951 Refugee Convention and the 1967 refugee protocol.

The functions of the UNHCR include emergency aid, protection programs, as well as obtaining durable solutions. Durable solutions come about through voluntary repatriation, local integration programs that facilitate the socio-economic and legal inclusion of the individual within the local community setting; and the resettling program that relocates the individual outside of the region of residency and offers them permanent protection if repatriation and local integration are not feasible options.

Currently, the escalating levels of conflict, repression, natural disasters, and political upheavals are major causes of the highest numbers of forced displacement that are placing unprecedented pressure on the global humanitarian system. This makes the role of the UNHCR critical with regard to relief coordination and government guidance.

Within the Model United Nations environment, the UNHCR committee gives participants the chance to analyze the issues of refugee protection, the humanitarian policy approach with regard to refugees, and the relationship that must exist between sovereignty and the protection of human rights.

## Key Terms

1. **Wrongful Detention** – The unlawful deprivation of an individual's liberty without legal basis, due process, or adherence to international standards.
2. **Arbitrary Arrest** – Detention carried out without legal justification or proper judicial procedure.
3. **Due Process** – The legal requirement to respect an individual's rights in judicial and administrative proceedings.
4. **Habeas Corpus** – A legal mechanism to challenge unlawful detention and demand justification before a court.
5. **Political Prisoner** – A person detained primarily because of political beliefs, activism, or opposition to authorities.
6. **Enforced Disappearance** – Secret detention by state actors, concealing the individual's whereabouts, often accompanied by denial of detention.
7. **Torture** – The intentional infliction of severe physical or psychological pain on detainees.
8. **Ill-Treatment** – Abuse or degrading treatment of prisoners, including physical, psychological, or environmental harm.
9. **Overcrowding** – When detention facilities hold more individuals than their capacity, causing unsafe and inhumane conditions.
10. **Pre-Trial Detention** – Holding individuals in custody before a formal conviction, often disproportionately applied.
11. **Judicial Independence** – Courts' freedom from political pressure, essential for fair trials.
12. **Corruption** – Abuse of power within the justice system, contributing to wrongful detention and human rights violations.
13. **Impunity** – Lack of accountability for perpetrators of human rights abuses, allowing violations to continue.
14. **Fair Trial** – The right to a transparent, unbiased, and timely judicial process.
15. **Presumption of Innocence** – Principle that individuals are considered innocent until proven guilty.
16. **Criminal Justice System** – The institutions, laws, and processes responsible for upholding law and order, including detention.
17. **Human Rights Violations** – Acts that infringe upon internationally recognized civil, political, or social rights.
18. **State Sovereignty** – The authority of a state to govern itself, which can conflict with international human rights obligations.

19. **Fact-Finding Mission** – Investigations by international bodies to document human rights abuses.
20. **Convention Against Torture (CAT)** – International treaty prohibiting torture and requiring protections for detainees.
21. **ICCPR (International Covenant on Civil and Political Rights)** – A key international treaty protecting liberty, fair trials, and freedom from arbitrary detention.
22. **American Convention on Human Rights (ACHR)** – Regional human rights treaty reinforcing detention protections in South America.
23. **Monitoring** – Oversight activities to document abuses, ensure compliance, and improve detention conditions.

**Accountability** – Mechanisms to hold state and non-state actors responsible for human rights violations.

## **Introduction to the Agenda Item**

The agenda of “Examining the Human Rights Implications of the Wrongful Detention of Prisoners in South America” focuses on one of the most pressing and complex human rights challenges currently facing the region. Wrongful or arbitrary detention — defined as the deprivation of liberty without legal basis, due process, or adherence to international standards — represents a direct violation of the fundamental rights to liberty, security, and fair trial. Across South America, patterns of unlawful detention have been documented in contexts ranging from political repression and protest movements to systemic failures within judicial and law enforcement institutions. These practices not only harm individuals and their families but also weaken the rule of law and threaten democratic governance.

This agenda requires delegates to critically assess both individual cases and the broader structural conditions that allow wrongful detention to persist. Issues such as overcrowded prisons, overuse of pre-trial detention, police abuse, political interference in the judiciary, and limited access to legal representation must all be considered. By evaluating national policies, regional trends, and international legal standards, delegates will explore how wrongful detention affects human rights, democratic participation, and social stability across the continent. The goal is to develop actionable and rights-based solutions that uphold international law, strengthen accountability, and protect the fundamental freedoms of all individuals in South America.

### **a. Wrongful Detention**

Wrongful or arbitrary detention is recognized by international law as one of the most serious violations of the right to liberty and security of a person. It occurs when an individual is

deprived of their freedom without a valid legal basis, without due process, or in circumstances that contradict international human rights standards. The International Covenant on Civil and Political Rights (ICCPR), particularly Article 9, establishes clear protections that prohibit arbitrary arrest or detention, require prompt explanation of reasons for arrest, guarantee access to legal counsel, and ensure the right to a fair and public trial.

In the South American context, wrongful detention is a widespread human rights concern with significant political, social, and legal implications. Multiple governments in the region have been documented using detention as a tool to suppress political dissent, silence opposition actors, or target vulnerable populations. The consequences of such practices extend beyond the directly affected individuals — they undermine democratic institutions, weaken judicial independence, and contribute to a climate of fear and repression.

## **b. Detention Systems and Human Rights Challenges**

South America faces longstanding and deeply rooted challenges within its criminal justice and detention systems. Although each country possesses its own legal frameworks and political environment, several common issues contribute to the prevalence of arbitrary detention:

### i. Weak Judicial Institutions

Court systems in multiple South American states are plagued by delays, lack of resources, corruption, and political influence. As a result, individuals may spend years in detention before their case reaches a judge, violating the right to a prompt trial.

### ii. Overuse of Pre-Trial Detention

The region has one of the world's highest rates of pre-trial detention. In some countries, more than half of the prison population consists of individuals who have not yet been convicted of any crime. This practice disproportionately affects low-income individuals who lack access to legal representation.

### iii. Police Abuses and Arbitrary Arrests

Human rights organizations have documented widespread abuses by police forces, including unlawful arrests during protests, discriminatory profiling, and the detention of individuals without sufficient evidence.

### iv. Overcrowding and Inhumane Conditions

According to regional assessments, prisons in South America often operate far above their official capacity. Overcrowding leads to unsanitary conditions, limited

medical care, violence, and severe risks to detainees' physical and mental well-being. These conditions worsen the consequences of wrongful detention.

#### v. Political Polarization

In several states, political divisions have intensified in recent years. Wrongful detention has increasingly been used as a political tactic to control opposition groups, human rights defenders, journalists, and protesters.

### c. Important Country Examples

#### *Venezuela*

Venezuela represents the most prominent and concerning example of wrongful detention in South America. The United Nations, Amnesty International, Human Rights Watch, and the Inter-American Commission on Human Rights (IACHR) have all reported extensive and systematic patterns of arbitrary detention, torture, and enforced disappearance.

##### i. Arbitrary Arrests of Political Opponents

Government security agencies, including the Bolivarian National Intelligence Service (SEBIN), have been documented arresting opposition leaders, students, activists, and journalists without warrants or legal justification. Many detainees report being held *incommunicado*.

##### ii. Enforced Disappearances

Short-term enforced disappearances occur when individuals are detained by security forces and kept in secret locations for hours or days before being officially registered. This practice prevents families and lawyers from locating detainees and increases the risk of torture.

##### iii. Torture and Ill-Treatment

UN fact-finding missions have reported the use of physical and psychological torture in detention facilities. Documented methods include beatings, electric shocks, stress positions, exposure to extreme temperatures, and sleep deprivation.

##### iv. Lack of Judicial Independence

The Venezuelan judiciary has been widely criticized for lacking independence and for enabling government repression. Judges often approve detentions without proper evidence, and civilians are sometimes tried in military courts.

##### v. International Response

The UNHRC has established a dedicated fact-finding mission on Venezuela. The mission concluded that the pattern of detentions and abuses may constitute crimes against humanity, given their systematic and targeted nature.

#### *Brazil*

Brazil's detention system suffers from severe overcrowding and relies heavily on pre-trial detention. Arbitrary detention is particularly common among marginalized communities. Police operations in urban areas often result in arrests without sufficient legal justification.

#### *Chile*

During the 2019–2020 mass protests, human rights groups reported arbitrary arrests of demonstrators and the excessive use of force by security personnel. Many detainees were held without clear evidence or access to legal representation.

#### *Colombia*

Civil society organizations report cases of wrongful detention linked to protests, security operations, and the targeting of human rights defenders. In rural areas, particularly those affected by internal conflict, activists and community leaders are especially vulnerable.

## **d. Legal Frameworks**

Understanding the legal frameworks governing detention is essential for analyzing whether states in South America are meeting their human rights obligations. Wrongful or arbitrary detention is prohibited under numerous international and regional instruments, each establishing standards that define when deprivation of liberty becomes unlawful. These frameworks guide the actions of governments, courts, and law-enforcement institutions and serve as tools for holding states accountable.

#### *International Covenant on Civil and Political Rights (ICCPR)*

The ICCPR is one of the core treaties of international human rights law and has been ratified by every South American country. Several of its articles directly apply to detention practices:

Article 9 protects the right to liberty and security, stating that no one may be arbitrarily arrested or detained. It requires that any deprivation of liberty be lawful, justified, and subject to judicial review.

Article 14 ensures the right to a fair trial, including access to legal counsel, the presumption of innocence, and the right to challenge evidence.

Article 7 prohibits torture and cruel, inhuman, or degrading treatment, which often accompanies unlawful detention.

These provisions create clear obligations for states to justify arrests, follow due process, and prevent abuses within detention facilities.

#### *Convention Against Torture (CAT)*

The Convention Against Torture, also widely ratified in the region, reinforces protections for individuals deprived of their liberty. It obliges states to:

- Prevent torture in all circumstances
- Investigate credible allegations of abuse
- Prosecute perpetrators
- Provide reparations to victims

Given that wrongful detention often occurs alongside torture or coercive interrogation practices, CAT is an essential legal tool for addressing these violations.

#### *The Inter-American Human Rights System*

Beyond global treaties, South America is governed by a strong regional human rights structure under the Organization of American States (OAS). Two key bodies apply regional legal standards:

a. American Convention on Human Rights (ACHR)

The ACHR reinforces and expands many ICCPR protections. It includes:

- Article 7 on personal liberty and protection from arbitrary detention
- Article 8 on fair trial guarantees
- Article 5 on humane treatment in all detention facilities

The ACHR allows individuals to bring cases forward when their rights are violated, transforming human rights protections into enforceable regional obligations.

b. Inter-American Court and Commission on Human Rights (IACtHR & IACHR)

These institutions play a critical role by:

- Investigating human rights abuses
  - Issuing binding rulings (Court) and detailed reports (Commission)
  - Monitoring detention conditions
  - Releasing precautionary measures demanding protection for detainees
- They have repeatedly addressed issues such as political detentions, prison overcrowding, and abuse by security forces in South America.

#### *UN Special Procedures and Mandates*

Several UN mechanisms contribute to defining and monitoring detention standards:

The Working Group on Arbitrary Detention (WGAD) reviews individual cases and issues authoritative opinions on whether a detention violates international law.

Special Rapporteur on Torture and Special Rapporteur on the Independence of Judges and Lawyers provide reports, country assessments, and urgent appeals.

These mechanisms do not replace courts but hold significant moral and political authority.

### *Domestic Constitutional and Criminal Justice Laws*

Finally, each state has its own constitution and criminal procedure codes that regulate arrest, detention, and trial processes. In many South American countries, these laws formally uphold international standards but are not always implemented effectively. Problems such as weak judicial independence, corruption, and political interference often undermine domestic guarantees.

## e. Human Rights Implications

Wrongful detention has deep and long-lasting consequences that extend beyond the individuals detained:

- i. Erosion of democratic institutions
- ii. Silencing of opposition voices
- iii. Loss of public trust in judicial systems
- iv. Psychological trauma and physical harm to detainees
- v. Weakening of civil society

## f. Violations of Fair Trial Rights

Wrongful detention is closely tied to violations of the right to a fair trial. International law emphasizes that detainees must:

- i. Be informed of the reason for their arrest
- ii. Have access to legal counsel
- iii. Be brought promptly before a judge
- iv. Be tried without undue delay
- v. Enjoy the presumption of innocence

In South America, these rights are frequently compromised. Detainees often face long delays before seeing a judge, are denied access to lawyers, or undergo judicial processes influenced by political pressure. The lack of transparency in judicial proceedings further contributes to an environment where wrongful detention can occur unchecked.

## g. Enforced Disappearances

Enforced disappearance is one of the most severe human rights violations because it places individuals outside legal protection. The crime involves three elements:

- i. Arrest or detention by state actors

- ii. Refusal to acknowledge the deprivation of liberty
- iii. Concealment of the person's fate or whereabouts

In South America, enforced disappearances historically occurred during military dictatorships. Today, while less widespread, the practice persists in certain contexts, particularly in Venezuela, where short-term disappearances are used to prevent legal oversight and facilitate torture or coercion.

International law considers enforced disappearance a continuing crime until the individual is located.

#### **h. Torture and Ill-Treatment in Detention**

Torture and ill-treatment are strictly prohibited under all circumstances by the Convention Against Torture (CAT). However, reports from across the region indicate that detainees, especially those held arbitrarily, are at heightened risk of abuse.

Common forms of ill-treatment include:

- Physical beatings
- Psychological intimidation
- Prolonged solitary confinement
- Exposure to extreme temperatures
- Threats against family members
- Denial of medical care

The purpose of these abuses may be to extract confessions, obtain information, or punish dissent.

#### **i. Role of the UN and International Community**

The United Nations plays a critical role in addressing wrongful detention through:

##### *Monitoring and Reporting*

UN bodies such as the Human Rights Council, OHCHR, and Special Rapporteurs investigate alleged violations, publish reports, and raise awareness internationally.

##### *Universal Periodic Review (UPR)*

All UN member states undergo periodic reviews of their human rights practices. Wrongful detention is frequently addressed in these sessions for South American countries.

##### *Fact-Finding Missions and Special Procedures*

These mechanisms collect firsthand testimonies, analyze detention conditions, and make recommendations to states.

#### *Cooperation with Regional Bodies*

The Inter-American human rights system works alongside the UN to advocate for reforms, investigate abuses, and support victims.

## **6. Questions To Be Answered**

1. What legal and structural factors contribute to the prevalence of wrongful detention in South American countries?
2. How does political polarization influence arbitrary detention practices?
3. What are the most common human rights violations associated with wrongful detention?
4. How do overcrowding and poor detention conditions exacerbate human rights abuses?
5. In what ways are international and regional legal frameworks (ICCPR, CAT, ACHR) implemented or ignored in practice?
6. What role does judicial independence play in preventing or enabling wrongful detention?
7. How effective are UN mechanisms, such as the Working Group on Arbitrary Detention and Special Rapporteurs, in addressing violations?
8. Which countries in South America exhibit the most severe patterns of wrongful detention, and what are the specific case examples?
9. How can international and regional cooperation be strengthened to prevent arbitrary detention and enforce accountability?
10. What short-term and long-term solutions can be proposed to ensure detainees' rights and promote systemic reform?

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